

ATTORNEY DOCKET NUMBER 2002834-0043 (Peanut Allergens)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bannon et al. Examiner: Nulan, P.
Appl. No: 09/141,220 Art Unit: 1644
Filed: August 27, 1998
For: METHODS AND REAGENTS FOR DECREASING CLINICAL REACTION
TO ALLERGY

ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants
request consideration of this Supplemental Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B or C below)

A. ☐ This Supplemental Information Disclosure Statement has been filed

(check 1, 2 and/or 3 below)

1. ☐ within three months of the filing date of the above identified U.S. Patent
application.
2. ☐ within three months of the filing date of the entry of the National Stage, as set
forth in 37 C.F.R. §1.491, in an International application.
3. ☐ before the mailing date of the first Office Action on the merits in the above-
identified application.

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No fee or certification is required.

B. ☒ This Supplemental Information Disclosure Statement has been filed more than three
months after the filing date of the present application and after the mailing date of the first Office
Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of
Allowance under 37 C.F.R. §1.311.

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(check 1 or 2 below)

1. ☒ The fee of \$180 as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. ☐ The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.
- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.
- c. ☐ items indicated by an asterisk were identified in a recent review of related files.

C. ☐ This Supplemental Information Disclosure Statement has been filed after the mailing date of either a Final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and before payment of an Issue Fee.

(check a or b below)

1. The Applicants hereby certify, as specified in 37 C.F.R. §1.97(e), that:
 - a. ☐ each item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

- b. ☐ no item of information contained in this Supplemental Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

PART II - Information Cited

☒ A. Applicants hereby make of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

☐ B. The Applicants hereby make the following additional information of record in the above-identified application:

☐ PART III: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART IV: Remarks

A copy of each of the above-identified U.S. and foreign patent(s) and publication(s) is enclosed unless otherwise indicated on the attached form PTO-1449 (modified). It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and

3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that a search has been performed, of the extent of any search performed, or that more material information may not exist.

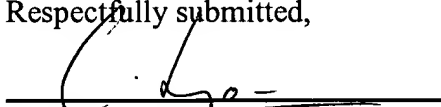
By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Supplemental Information Disclosure Statement, Applicants make no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

An early and favorable action is hereby requested.

Respectfully submitted,


Charles Lyon, Ph.D.
Agent for Applicant
Limited Recognition Under 37 CFR 10.9(b)

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Dated:

3429340

August 21, 2002

I hereby certify that this correspondence is being deposited with the United States Postal service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231
